

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Thomas J. Koss
Rosemarie Koss
Debtor(s)

Bankruptcy Case No.: 15-22476-GLT
Issued Per 3/9/2017 Proceeding
Chapter: 13
Docket No.: 43 - 38
Concil. Conf.: March 9, 2017 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 12, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,478.00 as of March, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Mar. 9, 2017 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: March 14, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Thomas J. Koss
 Rosemarie Koss
 Debtors

Case No. 15-22476-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 31

Date Rcvd: Mar 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 16, 2017.

db/jdb +Thomas J. Koss, Rosemarie Koss, 530 Upper Middletown Road, Smock, PA 15480-1120
 14074619 +Advanced Integrated Medical, 9800A McKnight Road--#200, Pittsburgh, PA 15237-6032
 14074621 Barclays Bank Delaware, P.O. Box 8802, Wilmington, DE 19899-8802
 14074622 Brylane Home, WFNBN Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125
 14074623 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, c/o TSYS Total Debt Management, P.O. Box 5155,
 Norcross, GA 30091)
 14099974 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14074625 Central Credit/Penn Credit Corporation, 916 14th Place, P.O. Box 988,
 Harrisburg, PA 17108-0988
 14074627 +Home Depot, P.O. Box 790328, Saint Louis, MO 63179-0328
 14074628 Jessica London/Comenity Bank, Bankruptcy Department, P.O. Box 182125,
 Columbus, OH 43218-2125
 14100960 +Midland Credit Management, Inc, as agent for MIDLAND FUNDING LLC, PO Box 2011,
 Warren, MI 48090-2011
 14081727 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982
 14074632 +PNC Bank, Consumer Loan Center, 2730 Liberty Avenue, Pittsburgh, PA 15222-4704
 14074633 +PNC Mortgage, 3232 Newmark Drive, Miamisburg, OH 45342-5433
 14074634 Roamans/Comenity Bank, P.O. Box 182273, Columbus, OH 43218-2273
 14074635 Santander Consumer USA, Attn: Bankruptcy Dept., P.O. Box 560284, Dallas, TX 75356-0284
 14074636 +Stoneberry, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14074638 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596
 14074639 Woman Within, Comenity Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14074620 E-mail/Text: AEPPcreditdept@amerimark.com Mar 15 2017 01:52:38
 AmeriMark Premier Easy Pay Plan, P.O. Box 2845, Monroe, WI 53566-8045
 14114695 +E-mail/Text: bncmail@w-legal.com Mar 15 2017 01:52:24 CERASTES, LLC,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14116957 +E-mail/Text: bncmail@w-legal.com Mar 15 2017 01:52:24 COMENITY CAPITAL BANK,
 C/O WEINSTEIN & RILEY, P.S., 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14074624 E-mail/PDF: gecsedirecoverycorp.com Mar 15 2017 01:53:12 CareCredit/Synchrony Bank,
 Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 14074626 E-mail/Text: creditonebknofications@resurgent.com Mar 15 2017 01:51:52 Credit One Bank,
 P.O. Box 98873, Las Vegas, NV 89193-8873
 14127799 E-mail/PDF: resurgentbknofications@resurgent.com Mar 15 2017 01:52:56
 LVNV Funding, LLC its successors and assigns as, assignee of FNBK, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14074629 E-mail/PDF: gecsedirecoverycorp.com Mar 15 2017 01:52:55 Lowe's/Synchrony Bank,
 Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
 14124360 E-mail/Text: bkr@cardworks.com Mar 15 2017 01:51:49 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14074630 E-mail/Text: bkr@cardworks.com Mar 15 2017 01:51:49 Merrick Bank, P.O. Box 9201,
 Old Bethpage, NY 11804-9001
 14136254 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 15 2017 01:52:58
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14103678 E-mail/Text: bnc-quantum@quantum3group.com Mar 15 2017 01:52:01
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14074631 E-mail/PDF: gecsedirecoverycorp.com Mar 15 2017 01:52:55
 Synchrony Bank/Paypal Buyer Credit, Attn: Bankruptcy Department, P.O. Box 965060,
 Orlando, FL 32896-5060
 14074637 E-mail/PDF: gecsedirecoverycorp.com Mar 15 2017 01:53:32 TJX Rewards/Synchrony Bank,
 Attention: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK, NATIONAL ASSOCIATION

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 31

Date Rcvd: Mar 14, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 16, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 14, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Andrew F Gornall on behalf of Defendant PNC BANK, N.A. agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Daniel R. White on behalf of Joint Debtor Rosemarie Koss dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com
Daniel R. White on behalf of Debtor Thomas J. Koss dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com
Daniel R. White on behalf of Plaintiff Rosemarie Koss dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com
Daniel R. White on behalf of Plaintiff Thomas J. Koss dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9